

wherein “an inner angle between the light scattering body and the second surface is not less than 60° and is less than 180°.”

In the Final Rejection, the Examiner contends that Abe discloses all of the elements of the claim except the Examiner continues to admit that Abe does not disclose an inner angle between the light scattering body and the second surface that is not less than 60° and is less than 180°, as in independent Claim 56. The Examiner, however, relies on Ooi for allegedly curing this deficiency and contends that Ooi discloses “a light scattering element having an inner angle between the light scattering body and the second surface is not less than 60 degrees and is less than 180 degrees.” The Examiner then concludes that it would have been obvious to combine these references to arrive at the claimed invention “in order to obtaining [sic] desired transmittance-reflection characteristics, contrast ratio and viewing angle characteristics.”

Applicant respectfully disagrees and submits that the combination of these references to arrive at the claimed invention is improper.

As stated in MPEP 2143.01, obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so. MPEP 2143.01 further states that “If proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification.” As explained below, the Examiner’s proposed modification would make Abe unsatisfactory for its intended purpose, and there is no motivation for one skilled in the art to combine Abe and Ooi to arrive at the claimed invention.

In particular, Abe states that the device of the invention of the patent can effectively intensify light emitted in the normal line direction from the light-emitting surface and increase the luminance

in the wide observation angle range (the stated objective of the patent, see col. 1 of Abe), because the back surface (12) of the prismatic film (1) and the light-emitting surface of the EL device (9) are “closely bonded optically.” “The prismatic film (1) and EL device (9) being ‘closely bonded optically’ means that no air layer, which functions to decrease the amount of light which emitted from the EL device and reaches the prismatic film, is present between them.” Abe, Col. 2, lns. 5-17.

In contrast, Ooi discloses at col. 15, lns. 18-19 that there is “air behind the prism.” Further, in Ooi, there appears to be air between the prism (e.g. reference numeral 2 in Fig. 1) and the illumination means (e.g. reference numeral 8 in Fig. 1). Accordingly, Ooi discloses a structure which is contrary to that discussed in Abe, and in fact, the structure of Ooi (with air between the prism and illumination means) is one which Abe states is disadvantageous and one which Abe is teaching away from. Hence, there is no motivation for one skilled in the art to combine the structure of Ooi, which Abe teaches away from, with the structure of Abe. MPEP 2143.01 states that this is an improper combination of references.

Therefore, the rejection of independent Claim 56 and those claims dependent thereon is improper, and these claims are patentable. Accordingly, it is respectfully requested that this rejection be withdrawn.

Claims 57 and 58, and 63

The Examiner also rejects Claims 57 and 58 under 35 USC §103(a) as being unpatentable over Abe in view of Ooi and further in view of Jones (US 5,920,080). This rejection is also respectfully traversed.

Each of these rejected claims is a dependent claim. Therefore, for at least the reasons discussed above for the independent claims, these claims are also patentable.

Accordingly, it is respectfully requested that this rejection be withdrawn.

Claim 63

The Examiner also rejects Claim 63 under 35 USC §103(a) as being unpatentable over Abe in view of Ooi and further in view of Shibata (US 6,147,451). This rejection is also respectfully traversed.

This claim is a dependent claim. Therefore, for at least the reasons discussed above for the independent claims, this claim is also patentable.

Accordingly, it is respectfully requested that this rejection be withdrawn.

Claims 78, 79 and 81

The Examiner also rejects Claims 78, 79 and 81 under 35 USC §103(a) as being unpatentable over Abe in view of Ooi and further in view of Duggal (US 6,777,871). This rejection is also respectfully traversed.

For similar reasons as those discussed above for independent Claim 56, the rejection of independent Claim 78 is also improper, and Claim 78 and those claims dependent thereon are patentable. Accordingly, it is respectfully requested that this rejection be withdrawn.

Conclusion

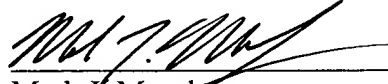
Therefore, it is respectfully submitted that the present application is in a condition for allowance and should be allowed.

If any fee should be due for this amendment, please charge our Deposit Account 50/1039.

Favorable reconsideration is earnestly solicited.

Respectfully submitted,

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